

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4 and 6-8 are pending. Claims 5 and 9 were previously canceled without prejudice. Claim 6 has been amended to depend from Claim 1.

Claims 1 and 6 were objected to. Claims 1-2, 6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai et al (U.S. Pat. No. 6,768,531) in view of Haim et al (U.S. Pat. No. 5,150,235). Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai et al and Haim et al in view of Yanagawa et al ((U.S. Pat. Appl. Publ. No.2002/0113936). Claim 7 was objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

The claimed invention has the following two features: a) the wavelength of a first light color, which passes through the first color filter layer, is greater than the wavelength of a second light color, which passes through the second color filter layer; and b) the first color filter layer has a first film thickness, forming a first gap in a first pixel, whereas the second color filter layer has a second film thickness greater than the first film thickness, forming a second gap smaller than the first gap in a second pixel.

Applicant respectfully submits that Ochiai et al do not disclose either the above feature a) or b) of the claimed invention. In Ochiai et al, the *color filter of red*, having a wavelength greater than that of green or blue, *is the thickest*. Thus, the device disclosed in Ochiai et al is different from the structure in the presently claimed invention in which the thickness of the second color filter (e.g., a green or blue filter) is greater than the thickness of the first color filter (e.g., a red filter).

While Haim et al is asserted in the Office Action as disclosing the above features a) and b) of the present invention, Applicant submits that Haim et al do not disclose or suggest the feature of the presently claimed invention of a columnar spacer in a pixel with a smaller gap. Indeed, element 16A in Haim et al identified in the Office Action as the second color filter exists at a larger gap than element 16B identified in the Office Action as the first color filter.

Moreover, the combination of Ochiai et al and Haim et al is an improper combination, as shown below.

In the outstanding Office Action, Figure 10 of Ochiai et al is referenced for its teaching of color filters and a columnar spacer. Indeed, the Office Action acknowledges that Ochiai et al fail to disclose that the first color filter passes light having a wavelength greater than a wavelength of the second color lights. In the Office Action, newly applied Haim et al was asserted to overcome the deficiencies of Ochiai et al.

However, Figure 10 of Ochiai et al shows a support (SUP) on a RED pixel and no support on the GREEN pixel. Presently, Claim 1 defines that the first color filter passes the first color light having a wavelength greater than a wavelength of the second color light. If RED and GREEN are used for purposes of illustration, the present claims would define the second color filter to be GREEN (e.g., 480 nm) and the first color filter to be RED (e.g., 656 nm). The present claims would further define that the column spacer is disposed at the second filter (i.e., at the GREEN pixel). However Ochiai et al show the support at the RED filter, not the GREEN filter.

Accordingly, Ochiai et al teach away from the claimed invention making a combination of Ochiai et al and Haim et al an improper combination based on hindsight reconstruction.

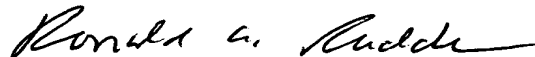
For all these reasons, Applicant respectfully submits that Claim 1 and the claims dependent therefrom patentably define over Ochiai et al and Haim et al.

Finally, regarding the claim objection to Claims 1 and 6, Applicant submits that the present amendment addresses the objections to Claim 6. Further, Applicant submits that amendment filed December 8, 2005 does recite a "columnar spacer being disposed not at the first pixel but as the second color filter layer at the second pixel." Hence, since this language agrees with the suggested language given in the Office Action, it is respectfully submitted that the objection to Claim 1 should be removed.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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